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 Counsel for the United States of America

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:12-CV-
	)	
\$158,677.17 IN UNITED STATES CURRENCY,	)	
	)	
Defendant.	)	

**THE UNITED STATES OF AMERICA’S UNOPPOSED APPLICATION TO EXTEND  
 THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST  
 THE \$158,677.17 IN UNITED STATES CURRENCY  
 (First Request)**

The United States of America (“United States”), by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney; Ramon Desage (“Desage”), by and through his counsel, Richard A. Wright; and William Richardson (“Richardson”), by and through his counsel, David Z. Chesnoff, respectfully apply for an extension of time until and including February 19, 2013, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the \$158,677.17 in United States Currency. The Complaint is currently due December 17, 2012.

1 The grounds for this unopposed application are counsel for the United States, Desage, and  
2 Richardson have agreed to the extension.

3 This Unopposed Application is made and is based on this Unopposed Application and the attached  
4 Memorandum of Points and Authorities.

5 DATED this 13th day of December, 2012.

6 DANIEL G. BOGDEN  
7 United States Attorney

8 /s/DanielD.Hollingsworth  
9 DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. Statement Of Facts

On or about July 6, 2012, the Internal Revenue Service, the Department of the United States Treasury in Las Vegas, Nevada (“IRS”) executed a civil seizure warrant on any and all funds held in Bank of Nevada Account Number xxxxxx6157 in the name of Cadeau Express, located at 2700 West Sahara Avenue, Las Vegas, Nevada 89102, seizing \$158,677.17.

On or about September 6, 2012, the IRS mailed the notice of administrative forfeiture by regular first class mail and certified return receipt requested to Ramon Desage (“Desage”) and William Richardson (“Richardson”).

On or about September 18, 2012, the IRS received claims from Desage and Richardson requesting a judicial action.

On December 12, 2012, Richard A. Wright, counsel for Desage, and David Z. Chesnoff, counsel for Richardson, agreed to the extension of time and authorized counsel for the United States to file this Unopposed Application with this Court.

### II. ARGUMENT

This Court should grant this application for an extension of time to file the Civil Complaint For Forfeiture In Rem against the \$158,677.17 in United States Currency.

Not later than 90 days after a claim has been filed, the Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims ... except that a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or *upon agreement of the parties*.

18 U.S.C. § 983(a)(3)(A) (emphasis added); *United States v. 475 Martin Lane*, 545 F.3d 1134, 1146 (9th Cir. 2008) (holding “that 18 U.S.C. § 983(a)(3)(A) authorizes district courts to grant ex parte extensions of time in which to file a civil forfeiture complaint.”)

A district court has authority under § 983(a)(3)(A) to extend the period for filing a Civil Complaint For Forfeiture In Rem. On December 12, 2012, Desage’s counsel and Richardson’s counsel agreed to the extension of time and authorized counsel for the United States to file this Unopposed Application

1 with this Court. Because the parties have agreed to the extension of time to file a Civil Complaint For  
2 Forfeiture In Rem, this Court should extend the time.

3 This Unopposed Application is not submitted solely for the purpose of delay or for any other  
4 improper purpose.

5 **II. Conclusion**

6 This Court should grant an extension of time until February 19, 2013, pursuant to § 983(a)(3)(A),  
7 for the United States to file a Civil Complaint For Forfeiture In Rem against the \$158,677.17 in United  
8 States Currency because counsel for the United States, Desage, and Richardson have agreed to the  
9 extension of time.

10 DATED this 13th day of December, 2012.

11 Respectfully submitted,

12 DANIEL G. BOGDEN  
13 United States Attorney

14 /s/DanielD.Hollingsworth  
15 DANIEL D. HOLLINGSWORTH  
16 Assistant United States Attorney

17  
18 IT IS SO ORDERED:

19  
20   
21 UNITED STATES DISTRICT JUDGE

22 DATED: December 17, 2012  
23  
24  
25  
26

**PROOF OF SERVICE**

I, Daniel D. Hollingsworth, certify that the following individuals were served **THE UNITED STATES OF AMERICA'S UNOPPOSED APPLICATION TO EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST THE \$158,677.17 IN UNITED STATES CURRENCY (First Request)** on December 13, 2013, by the below identified method of service:

Mail

Richard A. Wright  
300 South Fourth Street, Suite #701  
Las Vegas, Nevada 89101  
Counsel for Ramon Desage

David Z. Chesnoff  
520 South Fourth Street  
Las Vegas, Nevada 89101  
Counsel for William Richardson

/s/DanielD.Hollingsworth  
**DANIEL D. HOLLINGSWORTH**  
Assistant United States Attorney